

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:	:	
	:	
E.R. Bakey, Inc.,	:	Case No. 23-06297
	:	Chapter 11
	:	Hon. Judge Jacqueline Cox
Debtor.	:	
	:	
	:	

**BARRINGTON BANK & TRUST COMPANY, N.A.'S
MOTION TO CONVERT CASE TO A CHAPTER 7 LIQUIDATION**

Barrington Bank & Trust Company, NA., by one of its attorneys, Jeffrey S. Burns, and pursuant to 11 U.S.C. 1112(b)(4)(N), states as follows:

JURISDICTION

1. The Bankruptcy Court has jurisdiction over this proceeding pursuant to 28 U.S.C. 1334, 11 U.S.C. 1112(b)(4)(N) and General Order 2.33 of the U.S. District Court for the Northern District of Illinois, Eastern Division.

CLAIM FOR RELIEF

2. Barrington Bank & Trust Company, N.A. ("Barrington Bank") is a national banking association which is authorized and does business in Illinois.

3. On July 10, 2017 Barrington Bank made a loan in the amount of \$75,000 (the "Loan") to E.R. Bakey, Inc. (the "Debtor").

4. The Loan is evidenced in part by a Business Installment Loan Agreement dated July 10, 2017 in the amount of \$75,000.00 (the "Note").

5. The Note was renewed and extended on July 8, 2020.

6. On July 17, 2023 Barrington Bank filed a Proof of Claim in this matter in the amount of \$40,300.60 (“Barrington’s Claim”).

7. On December 8, 2023 this Court confirmed Debtor’s plan of reorganization.

8. Debtor’s plan of reorganization, as confirmed, provides for Debtor to make monthly payments in the amount of \$1,461.73 directly to Barrington Bank until Barrington’s Claim is paid in full.

9. As of today’s date, pursuant to Debtor’s confirmed plan Debtor was required to make monthly payments on February 11, 2024, March 11, 2024 and April 11, 2024 to Barrington Bank.

10. Barrington Bank has not received any of the payments required by the Debtor’s confirmed plan.

11. The Affidavit of Hany Morsy, an officer of Barrington Bank, is submitted herewith in support of this motion.

12. Debtor’s failure to make the payments required by its confirmed plan to Barrington Bank constitutes a material default under 11 U.S.C. 1112(b)(4)(N).

Wherefore, Barrington Bank & Trust Company, N.A. prays for an order converting Debtor’s Chapter 11 case to a Chapter 7 liquidation or for such other and further relief as this Court deems just and proper.

Barrington Bank & Trust Company, N.A.,

By: /s/Jeffrey S. Burns
Jeffrey S. Burns, one of its attorneys

Dated: May 10, 2024

Jeffrey S. Burns (ARDC #6215829)
Markoff Leinberger LLC
200 S. Wacker Drive, 31st Floor
Chicago, Illinois 60606
(312) 589-7600
Email address for service of notice: jeff@markleinlaw.com